

NOTICE OF CROSS-MOTION-PLAINTIFF

STATE OF NEW YORK ; COURT OF CLAIMS
-----X

In the Matter of the Claim of
GEORGE SASSOWER,
Claimant.

NOTICE OF
CROSS-MOTION

Claim No. 62894

-----X

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of GEORGE SASSOWER, Esq., sworn to on the 11th day of April, 1979, and upon all proceedings heretofore had herein, the claimant will cross-move this Court at a Regular Motion Term thereof, to be held at the Court of Claims, Two World Trade Center, 84th Floor, New York City, on the 1st day of May, 1979 at 10:00 o'clock in the forenoon or as soon thereafter as counsel can be heard for an Order granting claimant permission to belatedly file his Notice of Claim in the event this Court finds that plaintiff's claim was not timely filed, together with such other, further, and/or different relief as the court may deem just and proper in the premises.

PLEASE TAKE FURTHER NOTICE, that answering affidavits, if any, are to be served at least five days before the return date of this motion.

Dated: New Rochelle, New York
April 11, 1979

Yours, etc.

GEORGE SASSOWER, Esq.
Attorney for claimant pro se
75 Wykagyl Station
New Rochelle, N.Y. 10804
(914) 636-4050

GEORGE SASSOWER, ESQ.-AFFIDAVIT-IN SUPPORT OF CROSS-MOTION

[15-16]

STATE OF NEW YORK : COURT OF CLAIMS
-----x

In the Matter of the Claim of
GEORGE SASSOWER,
Claimant.

-----x

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

GEORGE SASSOWER, Esq., first being duly sworn,
deposes and says:

This affidavit is in support of an application for permission to file a Notice of Claim if this Court determines that Petitioner's Notice was not timely filed.

It is my contention that the time for filing of the Notice of Claim commenced on December 20, 1978, which was the publication date of West Publishing Co. (409 N.Y.S.2d 762).

Lawyer's Cooperative Publishing Co. published (65 A.D.2d 756) after the filing of the Notice of Claim.

In any event, there could not have been any prejudice to the State of New York since the Attorney General represented the Respondent in that proceeding and had received a copy of all my papers protesting said publication immediately upon rendition.

Futhermore, the Attorney General represented the Appellate Division in my action against such body in the

United States District Court of the Southern District of New York, instituted immediately after such opinion was rendered.

Under such circumstances, having been fully aware of my claim since its inception, the State could not have been prejudiced by any claimed late filing.

WHEREFORE, in the event this Court holds that my Notice of Claim was not timely filed, that leave be granted for the late filing of same together with any other, further, and/or different relief which to this Court seems just and proper in the premises.



GEORGE SASSOWER

Sworn to before me this
11th day of April, 1979



MURIEL GOLDBERG
Notary Public, State of New York
No. 60-4518474 Westchester County
Commission Expires March 30, 1980